



Massachusetts Port Authority

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VIA EMAIL AND FIRST CLASS MAIL

Lucas Smolcic Larson
MuckRock News
DEPT MR 61821
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Re: Public Records Request

Dear Mr. Larson:

This letter is regarding your recent public records request to the Massachusetts Port Authority (the “Authority” or “Massport”), in which you requested a copy of Massport’s Disaster and Infrastructure Resiliency Plan (DRIP), for all of Massport’s facilities, including Logan Airport.

The Authority responded on October 12, 2018 denying your request for a copy of the DRIP pursuant to M.G.L. c. 4 §7(26)(a) and (n) as the report is a threat and vulnerability assessment evaluating structural elements, security measures, and emergency preparedness directly related to the safety or security of persons, buildings, structures, facilities and aviation transportation. You appealed the Authority’s decision and the Supervisor of Records (“Supervisor”) responded on November 21, 2018. In its letter, the Supervisor wrote that it was “unclear how the Authority may utilize 49 C.F.R. 1520...[and] which sections of the cited regulations th Authority is claiming permit withholding the requested record in its entirety.” Additionally, the Supervisor wrote that “it is unclear how the entirety of the report reflects policies and procedures” and that “the Authority’s response does not explain how the report would be ‘useful [to terrorist] to maximize damage”.

Sensitive Security Information (“SSI”) is “information obtained or developed in the conduct of security activities....the disclosure of which TSA has determined would be detrimental to the security of transportation.” 49 CFR §1520.5(a). Federal law prohibits the Authority from disclosing this information.

The DRIP is an analysis of Authority-owned transportation critical infrastructures that are necessary to safely and securely manage and operate the Airport. The DRIP lists and assesses the actual, potential or threatened vulnerabilities to these critical infrastructures. Pursuant to 49 CFR §§ 1520.5(a)(1), 1520.5(5), and 1520.5(12)(ii) the DRIP, if released would: (1) be detrimental to the security of aviation transportation; (2) is a vulnerability assessment of vital infrastructures of aviation transportation; and (3) identifies systems and assets vital to aviation transportation that the incapacity or

Operating

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destruction would have a debilitating impact on transportation security. Therefore, the DRIP is considered Sensitive Security Information in its entirety and its disclosure would create a threat to public health and safety. Furthermore, the release of the vulnerability assessment could be used by terrorists to maximize damage by targeting the specific aviation critical infrastructures in a manner consistent with the vulnerabilities reported. A terrorist could also use the information in the DRIP following a catastrophe and/or national disaster to attack the identified infrastructures and incapacitate aviation transportation.

Consistent with the Authority's previous response to your request, it is denying your request for a copy of the DRIP pursuant to M.G.L. c. 4 §§7(26)(a) and (n).

Sincerely,



Ashley K. Carvalho
Legal Counsel